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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/254,864	03/15/1999	SHINJI USUBA		7686

7590 06/20/2002

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EXAMINER

HYUN, SOON D

ART UNIT PAPER NUMBER

2663

DATE MAILED: 06/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/254,864

Applicant(s)

USUBA ET AL.

Examiner

Soon-Dong Hyun

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: _____

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DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities.

In line 14, "side" should be deleted to avoid lack of antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 U.S.C. § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 9-10, it is not clear what is meant by "voice telephones juxtaposed with the equipment", i.e., the meaning of the term "juxtaposed" is not clear. Please clarify this with reference to FIG. 1 and 2.

Claims 6 and 8 are method claims, but they are dependent on claim 1 which is an apparatus claim. If they are method claims, each claim should have an independent claim format and recite a use with some active and positive steps delimiting how this use is actually practiced.

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In claim 1, line 12, it is not clear what is meant by "only." Please clarify this with reference to the FIG. 3.

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miura (U.S. Patent No. 5,859,848) in view of Voit et al (U.S. Patent No. 6,215,790)

Regarding claim 1, Miura discloses a concentrator (901) for data communication installed in an ATM-LAN comprising a LAN switching unit (902) for switching and connecting a plurality

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of interfaces incorporated, and a plurality of LAN hubs (904) accommodating equipment connected to the LAN switching unit via the interfaces, respectively, and performing data communication over the LAN, the concentrator comprising a LAN interface (912) connected to the LAN switching unit, and a plurality of communication terminal interfaces (907) connected to a plurality of communication terminals (903), wherein data transmitted and received by the plurality of communication terminal interfaces is converted into MAC frames of fixed length (ATM cells) and the ATM cells are relayed to the LAN interface. See col. 8, line 20-col. 12, line 60.

However, Miura does not explicitly teach that the communication terminals are capable of voice communications. With reference to col. 1, lines 39-44, Miura teaches that the communication terminals are capable of dealing with multimedia of image, sound, text, and the like.

Voit et al (Voit) discloses that communication terminals (PC) are provided with microphones, speakers and associated software for voice communication capabilities. See col 12, lines 4-14. Those of skill in the art would have been motivated by Voit to add microphone, speakers and associated software into Miura for voice communications. Therefore, it would have been obvious to one having ordinary skill in the art to add a function of voice communication into the communication terminals.

Regarding claim 2, Miura further discloses a second LAN interface (905) for performing transmission and reception of data between a CPU (911) incorporated therein and the LAN hub is provided.

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Regarding claim 3, Miura does not teach that the ATM-LAN is connected to the Internet.

Voit discloses that PCS equipped with function of analog telephone network subscribers are further connected to a WAN or the Internet of TCP/IP for communication between PCS in different networks connected by the Internet. Those of skill in the art would have been motivated by Voit to connect the ATM-LAN to the Internet for communication between the PCS.

Therefore, it would have been obvious to one having ordinary skill in the art to connect the ATM-LAN to the Internet and consequently, it is inherent that a call control protocol is according to the TCP/IP.

Allowable Subject Matter

7. Claims 4 and 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. Claims 6-9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 5539741 (Barracough et al), 5892912 (Suzuki et al), 5933607 (Tate

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et al), 5940495 (Bonarenko et al), and 6240085 (Iwami et al) relates to voice communications over a LAN.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Soon-Dong Hyun whose telephone number is (703) 305-4550. The examiner can normally be reached on Monday-Friday from 8:30 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen, can be reached on (703) 308-5340.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

11. Any response to this action should be mailed to:

Commissioner for Patents

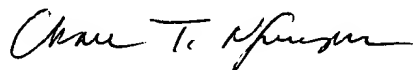
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Or faxed to: 703-872-9314 for formal communications intended for entry with a label of

"OFFICIAL" and for informal or draft communications with a label of "PROPOSED" or "DRAFT" (attn: Art Unit 2663, Soon-Dong Hyun).


S. Hyun

6/10/2002



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